

HOUSE BILL 2653

By Lamberth

AN ACT to amend Chapter 67 of the Private Acts of 1953; as amended by Chapter 393 of the Private Acts of 1972; Chapter 67 of the Private Acts of 1975; Chapter 97 of the Private Acts of 1981; Chapter 233 of the Private Acts of 1982; Chapter 63 of the Private Acts of 1987; Chapter 195 of the Private Acts of 1990; Chapter 109 of the Private Acts of 1995; Chapter 48 of the Private Acts of 1999; Chapter 40 of the Private Acts of 2001; Chapter 153 of the Private Acts of 2002; Chapter 4 of the Private Acts of 2009; and any other acts amendatory thereto, relative to the charter for the city of Gallatin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 67 of the Private Acts of 1953, as amended by Chapter 393 of the Private Acts of 1972, Chapter 67 of the Private Acts of 1975, Chapter 97 of the Private Acts of 1981, Chapter 233 of the Private Acts of 1982, Chapter 63 of the Private Acts of 1987, Chapter 109 of the Private Acts of 1995, Chapter 48 of the Private Acts of 1999, Chapter 40 of the Private Acts of 2001, Chapter 153 of the Private Acts of 2002, Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article III, Section 2 and substituting instead the following:

Section 2. (Section 2 deleted by 2016 charter amendment)

SECTION 2. Chapter 67 of the Private Acts of 1953, as amended by Chapter 97 of the Private Acts of 1981, Chapter 63 of the Private Acts of 1987; and any other acts amendatory thereto, is amended by deleting Article III, Section 14 and substituting instead the following:

Section 14. The Mayor or any Alderman may be removed from office in accordance with the general and statutory laws of Tennessee for ouster of a public official for, among other things, misconduct in office, willful neglect to perform duties, or conviction of a crime involving moral turpitude.

SECTION 3. Chapter 67 of the Private Acts of 1953, as amended by Chapter 97 of the Private Acts of 1981, Chapter 195 of the Private Acts of 1990, Chapter 109 of the Private Acts of 1995, and any other acts amendatory thereto, is amended by deleting the fifth sentence of Article V, Section 1 and substituting instead the following:

The Mayor shall preside at the meetings of the City Council, and he or she shall have a seat, a voice, but no vote, except for the purpose of breaking a tie, and in the election or termination of public officers and Alderpersons.

SECTION 4. Chapter 67 of the Private Acts of 1953, as amended by Chapter 195 of the Private Acts of 1990, and any other acts amendatory thereto, is amended by deleting Article V, Section 3 and substituting instead the following:

Section 3. All legal process against the City shall be served upon the Mayor or the City Attorney. If the Mayor accepts process, it shall be his or her duty forthwith to transmit the process to the City Attorney after writing thereon the time and manner of service.

SECTION 5. Chapter 67 of the Private Acts of 1953, as amended by Chapter 109 of the Private Acts of 1995, and any other acts amendatory thereto, is amended by deleting the first sentence of Article VI, Section 1 and substituting instead the following:

The City Council shall from time to time, fix the salaries and other compensation of all public officers and employees of the City, and may define the duties of all public officers.

SECTION 6. Chapter 67 of the Private Acts of 1953, as amended by Chapter 109 of the Private Acts of 1995, and any other acts amendatory thereto, is further amended in Article VI by adding the following language as a new section:

SECTION 2. Appointment of officers; salaries; duties; residency requirements; termination; oath of office.

a. Officers. The city council shall appoint the following public officers:
City Attorney, City Engineer, City Planner, Director of Codes, Director of Human Resources, Director of Information Technology, Director of Leisure Services, Fire

Chief, Police Chief, Superintendent of Public Utilities, and Superintendent of Public Works. All officers of the city, except the city attorney, shall devote all of their time to their respective offices. The aforementioned officers shall be appointed by a minimum of five (5) votes of the council, including the mayor, and shall serve at the will of the council. They shall receive such salaries as the council may from time to time designate. All officers of the city whose appointment is not herein provided for shall be appointed by the city council at such times and for such terms as the council may fix. All officers shall be present at all meetings of the city council when so directed by the mayor or council.

b. Duties of officers. Unless otherwise prescribed in this charter, the duties of public officers shall be as set forth by ordinance in the Gallatin Municipal Code. The council may establish city departments, offices, or agencies, in addition to those created in this charter, and may prescribe the functions of all departments, offices, and agencies not inconsistent with this charter. Departments, offices, and agencies created by the council may be abolished or combined.

c. Residency requirements of certain officers. The fire chief and police chief shall be required to maintain their residence either within the corporate limits or within two (2) miles of the corporate limits and within the boundaries of Sumner County, Tennessee. The superintendent of public utilities and superintendent of public works shall be required to maintain their residence within the boundaries of Sumner County, Tennessee. These residency requirements shall not apply until ninety (90) days after appointment of these officers.

d. Termination. Any officer may be terminated by a minimum of five (5) votes of the council, including the mayor. Said termination may be with or without cause. Any termination without cause may include severance pay equal to three (3) months' salary. Any termination with cause may include, but is not limited to, incompetence, misrepresentation, any crime or misdemeanor in office,

or grave misconduct showing unfitness for public service, misfeasance or malfeasance in office, and inefficiency in performance of duty. No officer shall be terminated until all members of the council have served a minimum of three (3) months.

e. Oath of office. Every officer of the city shall, before entering upon the discharge of the duties of office, take the same oath required of the mayor and council.

SECTION 7. Chapter 67 of the Private Acts of 1953, as amended by Chapter 84 of the Private Acts of 1995, and any other acts amendatory thereto, is amended by deleting Article VII, Section 1 and substituting instead the following:

SECTION 1. Election, eligibility for office, removal.

Be it further enacted, that the City Recorder shall be elected by the qualified voters of the City of Gallatin at the same time and in the mode and manner as the Mayor and Aldermen are elected. No person shall hold the office of Recorder who holds any other public employment or publicly elected office and unless he or she has been a bona fide citizen and resident of the city for two (2) years previous to and next before his or her election. The Recorder shall be subject to removal from office for the same offenses and in the same manner as removal of the Mayor or an Alderman, as set forth in Article III, Section 14.

The Recorder shall fulfill the duties as required by the Charter or Municipal Code and shall work with City Council to carry out all reasonable orders, rules, and regulations of the City Council.

SECTION 8. Chapter 67 of the Private Acts of 1953, as amended by Chapter 393 of the Private Acts of 1972, Chapter 97 of the Private Acts of 1981, Chapter 63 of the Private Acts of 1987, Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article VIIIA and substituting instead the following:

Article VIIIA. (Article VIIIA deleted by 2016 charter amendment - The powers and duties of the Superintendent of Public Works shall be set forth in the Gallatin Municipal Code, as required by amendments to this charter set forth herein.)

SECTION 9. Chapter 67 of the Private Acts of 1953, as amended by Chapter 393 of the Private Acts of 1972, Chapter 97 of the Private Acts of 1981, Chapter 63 of the Private Acts of 1987, Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article VIIIB and substituting instead the following:

Article VIIIB. (Article VIIIB deleted by 2016 charter amendment - The powers and duties of the Superintendent of Public Utilities shall be set forth in the Gallatin Municipal Code, as required by amendments to this charter set forth herein.)

SECTION 10. Chapter 67 of the Private Acts of 1953, as amended by Chapter 393 of the Private Acts of 1972, Chapter 97 of the Private Acts of 1981, Chapter 63 of the Private Acts of 1987, Chapter 4 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article VIIC and substituting instead the following:

Article VIIC. (Article VIIC deleted by 2016 charter amendment - The powers and duties of the Director of Leisure Services shall be set forth in the Gallatin Municipal Code, as required by amendments to this charter set forth herein.)

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Gallatin. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.